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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/766,454 | 01/28/2004 | William O. Hubbs | 7217 | 3189 |

7590 02/09/2005

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EXAMINER

CHERRY, EUNCHA P

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
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2872

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H A

Office Action Summary

Application No.

10/766,454

Applicant(s)

HUBBS, WILLIAM O.

Examiner

EUNCHA P. CHERRY

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>8/13/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claim 6 is objected to because of the following informalities: the steps recited in claim 6 are not recited in claim 4. It appears that claim 6 should have been depended on claim 5 instead. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Bleier (from IDS).

Belier discloses a device for reflecting incident light on a parallel return path (see figures 1-3) comprising a body (10) having one or more sidewalls (12), a top surface (see right area in figure 2), bottom surface (left area in figure 2), and the sidewall joins the perimeters of the top surface and the bottom surfaces (see figure 2), a chamber formed in the top surface

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having three or more mutually orthogonal walls depressed into the body (see figure 1) whereby light entering the chamber reflects upon the walls and exits the chamber parallel to the incident direction of the light (inherent), the chamber is punched into the top surface and is approximately round of the plane of the top surface (see figure 2), the chamber is capable of being formed from a highly reflective malleable material and the body being a round cylindrical shape (see figure 3) and the chamber is formed by three triangulated and interconnected surfaces which converge to a point at the inward most depth within the body of the formed chamber (see figure 1).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bleier in view of Smith (US Patent No. 6,155,689).

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Bleier discloses the claimed invention as set forth above except the method of forming a reflector including steps of placing a blank of material in a base of a press, securing a punch in the jig of a press, advancing the punch into the blank to form a chamber, finishing the blank and coating the chamber with a transparent layer. Smith teaches a method of forming a retroreflector including the steps of placing a blank of material in a base of a press, securing a punch in the jig of a press, advancing the punch into the blank to form a chamber, finishing the blank and coating the chamber with a transparent layer (see figures 3 and 4, column 3, lines 7-40, column 5, lines 10-40). It would have been obvious to one of ordinary skill in the art to use the method that is taught by Smith for the purpose of reducing manufacturing process by eliminating the step of adhering three triangulated and interconnected surfaces.

6. Claims 4, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bleier in view of Smith.

Bleier in view of Smith discloses the claimed invention as set forth above except that the body or blank is made of lead. It would have been obvious to one of ordinary skill in the art to make the body from lead material because lead is flexible

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material where the body or blank will less likely to get damaged while punching process.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EUNCHA P. CHERRY whose telephone number is 571-272-2310. The examiner can normally be reached on M-F 6:30-4:00, alternate Fridays off.

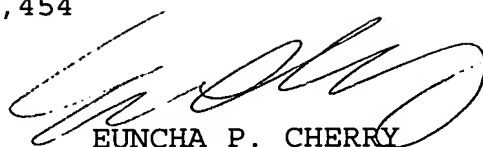
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DREW DUNN can be reached on 571-272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'Euncha P. Cherry', is written over the printed name.

EUNCHA P. CHERRY
Primary Examiner
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2/7/05